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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,023	09/27/2001	Sven Bauer	1809	2641

7590 10/05/2004

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Huntington, NY 11743

EXAMINER

PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,023

Applicant(s)

BAUER ET AL.

Examiner

Gims S Philippe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-22 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

This is a first office action in response to application no. 09/965,023 filed on November 27 2001 in which claims 1-22 are presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 14, 17, and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Murayama (US Patent no. 5488483).

As per claims 1, 2, 14, 17, 20 and 22, Murayama discloses a method of coding an image sequence, said method comprising the steps of prior to performing said coding, testing whether or not an actual image of a video image sequence has reached or exceeded a predetermined capacity parameter for a capacity of an encoder performing the coding of the image sequence (See Murayama col. 5, lines 31-57), and performing a reduction of a coding format used in the coding so as to reduce resolution for a portion of the image sequence coded and coding said actual image with the coding format after said reduction when said capacity parameter has been reached or exceeded (See fig. 4, col. 3, lines 63-67 and col. 4, lines 1-55).

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As per claim 21, Murayama selection device must have the claimed switching device
(See col. 5, lines 16-25).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-6, 8-13, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murayama (US Patent no. 5488483) in view of Wu (US Patent no. 6437787).

Regarding claims 3-5, 8, and 11-13, most of the limitations of this claim have been noted in the above rejection of claim 1.

It is noted that Murayama is silent about providing bit stream buffer wherein one of the buffer filling state being a predetermined capacity, and low-pass filtering the image as specified.

Wu discloses a coding method including a stream buffer wherein one of the buffer filling state being a predetermined capacity, and low-pass filtering the image (See Wu fig. 2, items 134 and 136, and col. 6, lines 53-58).

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Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Murayama coding method by incorporating Wu's stream buffer wherein one of the buffer filling state being a predetermined capacity. The motivation for performing such a modification in Murayama is to help in deciding in which section of the buffer should the display data be placed as taught by Wu (See Wu col. 8, lines 1-16).

As per claims 6 and 18, the designated resolution step as seen in Murayama fig. 6, S24, requires a restating (by halting) after changing the coding format.

As per claims 9-10, Marayama further provides the option of selecting either a reduced resolution or full resolution (See col. 6, lines 23-31).

As per claim 16, Marayama further provides the amplification prior to reproduction on a decoder side display device (See col. 6, lines 32-43).

As per claim 19, while Marayama is silent about producing an intra-coded image, Wu discloses such feature in col. 7, lines 53-56 and shown in MPEG video encoder 112 of fig. 2.

Therefore, it is considered obvious to one skilled in the art at the time of the invention to provide the intra-coded image with the teachings of Wu in Marayama's

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image coding device for the purpose of controlling the display of the coded video images based on the resolution selected (See Wu col. 3, lines 30-51).

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murayama (US Patent no. 5488483) in view of Yu (US Patent no. 6621865).

As per claim 15, Murayama is silent about coding according to the MPEG-4 standard. However, Yu teaches selecting coding modes including the step of coding according to the MPEG-4 standard (See Yu col. 9, lines 13-38).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Murayama by incorporating the teachings of Yu such that an MPEG-4 encoding is performed. The motivation for such a modification is provide lower layer encoded image stream as taught by Yu (See Yu col. 9, lines 18-24).

6. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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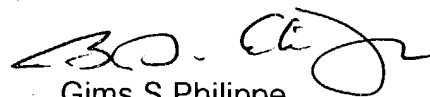
Whang (US Patent no. 3760277) teaches coding and decoding system with multi-level format.

Koz (US Patent no. 5990955) teaches dual encoding/compression method and system for picture quality/data density enhancement.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (703) 305-1107. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (703) 305-4780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gims S Philippe
Primary Examiner
Art Unit 2613

GSP

September 30, 2004